

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BALGOVIND SHARMA and VANDANA  
SHARMA,

Docket No. 08 Civ. 996 (SAS)

Plaintiffs,

**ANSWER OF  
AMERICAN AIRLINES, INC.**

-against-

AMERICAN AIRLINES, INC.,

Defendant.  
-----X

The defendant, American Airlines, Inc., ("American") by its attorneys, Gallagher Gosseen Faller & Crowley, answering the plaintiffs' Complaint herein states as follows:

**AS TO JURISDICTION AND VENUE**

**FIRST:** Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraphs of the Complaint designated "1", "3", and "4".

**AS TO GENERAL ALLEGATIONS**

**SECOND:** Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraphs of the Complaint designated "6", "7", and "8".

**AS TO PLAINTIFF BALGOVINDA SHARMA'S CLAIMS  
FOR NEGLIGENCE AGAINST AMERICAN**

**THIRD:** Repeats and reiterates each and every one of the foregoing admissions and denials made in response to the paragraphs of the Complaint referred to in the paragraphs designated "1" through "8" with the same force and effect as if set forth herein at length.

**FOURTH:** Denies each and every allegation contained in the paragraph of the Complaint designated "10" and refers all questions of law to the Court.

**FIFTH:** Denies each and every allegation contained in the paragraph of the Complaint designated "11", "12" and "13".

**AS TO PLAINTIFF VANDANA SHARMA'S  
CLAIMS AGAINST AMERICAN**

**SIXTH:** Repeats and reiterates each and every one of the foregoing admissions and denials made in response to the paragraphs of the Complaint referred to in the paragraphs designated "10" through "13" with the same force and effect as if set forth herein at length.

**SEVENTH:** Denies each and every allegation contained in the paragraph of the Complaint designated "15", and "16".

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

**EIGHTH:** The injuries and damages allegedly sustained by the plaintiff, Balgovinda Sharma were caused solely by the plaintiff's own culpable and negligent conduct and were not caused nor contributed to by reason of any negligence or other omission or act on the part of the defendant, American Airlines, Inc.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

**NINTH:** All or part of the damages allegedly sustained by the plaintiff Balgovinda Sharma were caused solely by his culpable conduct through his negligence and careless acts or omissions and his damages, if any, should be diminished in accordance with the degree of culpability and fault attributed to him.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

**TENTH:** Upon information and belief, any past or future costs, expenses or damages incurred or which will be incurred by the plaintiffs as alleged in the Complaint, has been or will be, with reasonable certainty, replaced or indemnified in whole or in part from a collateral source as that term is defined in Section 4545(c) of the New York Civil Practice Law and Rules. By reason of the foregoing, if any damages are recoverable against American the amount of any such damages must be diminished by the amount of the reimbursement or indemnification which plaintiffs have or shall receive from such collateral source.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

**ELEVENTH:** The damages sustained by the plaintiffs, if any, were caused by the negligence and carelessness of some third person over whom the defendant, American, had neither control nor responsibility.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

**TWELFTH:** The injuries and damages sustained by the plaintiffs, if any, were the result of an Act of God for which defendant, American, was not and is not responsible and was not caused or contributed to by the acts or omissions of defendant, American Airlines, in any way.

**AS AND FOR SIXTH AFFIRMATIVE DEFENSE**

**THIRTEENTH:** All limitations of liability made available by Article 16 of New York's C.P.L.R. may apply to this defendant.

**WHEREFORE**, the defendant, American demands judgment dismissing the Complaint, together with the costs, disbursements and attorneys fees herein, together with such other and further relief as to this Court may seem just and proper.

**GALLAGHER GOSSEEN  
FALLER & CROWLEY**

By: 

**MICHAEL J. CROWLEY (MC-2821)**

A Member of the Firm

Attorneys for the Defendant

**AMERICAN AIRLINES, INC.**

1010 Franklin Avenue, Suite 400

Garden City, NY 11530-2927

(516) 742-2500

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NASSAU     )


Cathleen M. Hohil, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at Valley Stream, New York.

On March 18, 2008, deponent served the within **ANSWER OF AMERICAN AIRLINES, INC.** upon:

David C. Cook, Esq.  
**KREINDLER & KREINDLER LLP**  
100 Park Avenue  
New York, New York 10017

being the addresses designated by said attorneys/parties for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in a post office official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
\_\_\_\_\_  
Cathleen M. Hohil

Sworn to before me this  
18th day of March, 2008.

  
\_\_\_\_\_  
Notary Public

BARBARA G. FERRARA  
Notary Public, State of New York  
No. 01FE5057085  
Qualified in Nassau County  
Commission Expires 3/18/2010



*UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK*

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*BALGOVIND SHARMA and VANDANA SHARMA,*

*Plaintiffs,*

*-against-*

*AMERICAN AIRLINES, INC.,*

*Defendant.*

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*ANSWER OF AMERICAN AIRLINES, INC.*

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*GALLAGHER GOSSEEN FALLER & CROWLEY  
Attorneys at Law*

*Attorneys for Defendant  
AMERICAN AIRLINES, INC.*

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